

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:13-CR-286-FL

UNITED STATES OF AMERICA

v.

LINWOOD EARL BRIGGS

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ORDER

On October 14, 2014, defendant Linwood Briggs ("Briggs"), appearing *pro se*, filed a motion to obtain court documents [D.E. 29]. Briggs states that he is indigent and is requesting his sentencing transcripts, the judgment and commitment and the statement of reasons at no cost so that he can pursue post-conviction relief efforts.

Section 753(f) of Title 28, United States Code, governs the issue of transcript requests by indigent criminal defendants. Section 753(f) provides in pertinent part:

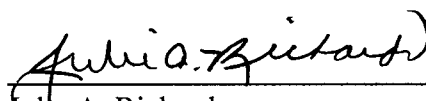
Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. 28 U.S.C. §753(f).

A review of the record reflects that Briggs has not filed an appeal or 2255 motion. As such,

there can be no certification from the trial judge that the appeal or 2255 motion is not frivolous and the transcript is needed to decide the issue presented by the suit or appeal. A free transcript is not available to defendants who wish to “comb the record in the hope of discovering some flaw.” *United States v. Glass*, 317 F.2d 200, 202-203 (4th Cir. 1963). Accordingly, Briggs’ motion for sentencing transcripts is DENIED WITHOUT PREJUDICE.

Briggs also requests a copy of his judgment and statement of reasons free of charge. At the direction of the court, the motion is GRANTED as to these two documents. The case manager is directed to send one copy of the judgment and statement of reasons to the defendant. Briggs is hereby advised that he will have to pay \$.50 a page for any further copies of these documents or for any other case-related document.

SO ORDERED. This 17th day of December, 2014.



Julie A. Richards
Clerk of Court